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The Holy War Idea in Western and Islamic Traditions (Book Review)

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The work of James Turner Johnson and John Kelsay, both as authors and editors, produced through the decade of the '90s the most comprehensive discussion of justice, peace, and war in Islam since Majid Khadduri's *War and Peace in the Law of Islam*[1] and *The Islamic Conception of Justice*.[2] The two volumes published by Greenwood Press were generated by four conferences Johnson and Kelsay organized at Rutgers in 1988-89, through a grant by the United States Institute of Peace. *Cross, Crescent, and Sword* (CCS) was the first to appear, though *Just War and Jihad (*JWJ) addresses the more "foundational" issues. Richard Martin's essay, "The Religious Foundations of War, Peace, and Statecraft in Islam," (JWJ, 91) is representative and particularly helpful for its detailed analyses of a number of Qur'anic passages that lie at the heart of Islamic self-understanding.

Martin insists that understanding *jihad* requires understanding the semantic spectrum of Islamic, and particularly Qur'anic, religious vocabulary. Thus "the Muslim community (*umma*), whose members—

1. Majid Khadduri, *War and Peace in the Law of Islam* (Johns Hopkins U. Press 1955).
2. Majid Khadduri, *The Islamic Conception of Justice* (Johns Hopkins U. Press 1984).

contrary to the enemies of the divine truth—fear God and obey his prophets" count war (*harb*):

> among the religious duties (*'ibadat*) and [it] is defined by the Qur'anic notion of *jihad* (*fi sabil allah*), 'striving (in the Path of God).' *Jihad* comprises a large variety of individual and collective efforts to implement the life of pious submission (that is, *islam*) to the will of God and requires, significantly, an Islamic polity to ensure worldly success. (JWJ, 92)

This just scratches the surface of the complex vocabulary of piety operative in Islamic tradition. Taking this language seriously is the duty Martin enjoins on the historian of religion, for whom "conflict and violence should not be regarded simply as aporias within the social order, but as part of a religious system of signification that is encoded in cultural myths and rituals."(JWJ, 107) This is important advice not only for the historian, but for the moralist and policy maker as well.

But even understanding the vocabulary of the Qur'an is only a beginning; Islamic thought on political violence developed in a rich social and historical arena. Like the Christian and Persian communities with which they came into conflict, early Muslim leaders took it for granted that war was a fact of political life. Thus most of the early *hadith* concern themselves with the conduct of war. Unbelieving and resistant communities were to be given a clear and explicit invitation to submit to the authority of God. Those who continued to resist could be opposed with force, but those who were willing to submit to the authority of the community were to receive protection and those who followed one of the "religions of the book," Judaism and Christianity, were to be free to practice their traditional forms of worship. Women and children, who were clearly non-combatants, were immune from direct attack, as were those who surrendered to the authority of the Muslim community. In all of this the armies of emergent Islam, from the beginning of the seventh through the eleventh centuries were, if anything, more disciplined and observant than their Carolingian contemporaries in western Europe.

Abdulaziz Sachedina, writing on the development of *jihad* in Islamic thought, notes that "undoubtedly, the Sunni jurists regarded the conquests up to the end of the 2nd/8th century as the outcome of a legitimate jihad."(CCS, 40) While the conquests resulted in "the expansion of Islamic territory—i.e., the sphere where the norms prescribed by the Shari'a would be paramount,"(CCS, 44) the situation implied by the Qur'an and Hadith is one where the peaceful proclaiming of God's will by his Messenger provokes malicious hostility on the part

of the Meccans. Armed conflict results, and carrying the fight to the unbelievers becomes a duty for those who are charged with establishing peace and justice in God's cause. The result of this is the creation of a sphere of peace, the *dar al-islam*, opposed to that sphere where war reigns, the *dar al-harb*. From that point on, "[t]he main concern of the Sunni jurists was to provide guidance to rulers so that war would retain a connection with justice and peace under the aegis of Islamic rule."(CCS, 47)

Questions of rebellion and irregular warfare are, for obvious reasons, matters of some current urgency and the essays by Lawrence, (JWJ, 141-160) Sonn, (CCS, 129-147) and Abou El Fadl (CCS, 149-176) are particularly valuable in laying out both Islamic teaching and the limits of Islamic authority in these matters. Abou El Fadl stresses the early impact of dissent on the developing caliphate:

> Shortly after Ali ascended to power, his reign was challenged; the challenge became a civil war .... Ali's treatment of these factional opponents, especially the Talha and al-Zubayr faction in the Battle of the Camel in 656, set a precedent for most of the principles or rules adduced in *Ahkam al-Bughat* [the law regarding rebels]. (CCS, 151-152)

A rebel, while a threat to the community, differs from a common criminal in that he seeks to walk in the path of God; the conflict is not over whether or not to submit to God, but rather what is required by the command to "enjoin good and forbid evil."(CCS, 153)

While rebellion is illegal, even against an unjust ruler, criticism or resistance only counts as rebellion when there is an act of disobedience, such as a refusal to pay taxes. (CCS, 155) This disobedience must be based on *ta'wil*, or independent interpretation, based on recognized Islamic sources, to the effect that the leader demanding obedience has forfeited his authority. On the original case:

> The majority of Muslim jurists agreed that the Khawarij had an acceptable *ta'wil* and, thus, were *bughat*. A few jurists argued that since the Khawarij advocated the indiscriminate slaughter of Muslims they were apostates rather than *bughat*. For most, however, the Khawarij were classified as rebels whose claims were based on religious ideas rather than on purely political grievances. (CCS, 157-158)

Achieving the status of *bughat* protects the rebel against summary execution and the confiscation of money and real property, while entitling him to release at the end of the rebellion or Islamic burial, should he die. (CCS, 162)

But more important than the protections offered by rebel status, the existence of a developed body of law effectively recognizes the theoretical legitimacy of rebellion in at least some circumstances. This is a continuing source of dispute between government and jurists, on the one hand, and independent militants, on the other. Abou El Fadl discusses a Kuwaiti terrorism case, from 1989, where the judge rejected the defendant's claim to immunity from the death sentence on the grounds of *Ahkam al-Bughat*, noting that "he [the judge] was bound by the Kuwaiti criminal code and not Islamic law. In any case, the judge commented, *Ahkam al-Bughat* was designed to cover crimes committed in the course of rebellion, and not general acts of terrorism."(CCS, 168) From the judge's perspective, the militant's use of force fails to achieve Islamic legitimacy and the deaths resulting amount to criminal murder for political ends, terrorism. From the perspective of potential revolutionaries, that the judge who upholds a secular code calls his own authority into question, as well as the distinction between rebellion and terrorism.

It is at this point that Sonn's essay becomes particularly important. She emphasizes the persistent tension produced by the fact that:

> The Islamic tradition approved a universal political institution, a judgment that flowed from the universal tendencies of the religion. The limited boundaries of modern nation-states contradict this judgment and suggest that the only realistic approach for religious thought is to separate religion and politics . . . . (CCS, 133)

This form of "realism," from the perspective of groups like the Kharijites and the later Isma'ili groups known as the "Assassins," can only look like apostasy. (CCS, 136-138) If the long established tradition is Islamic thought is strongly antirevolutionary, there remains, nonetheless, a visible precedent, codified in *Ahkam al-Bughat*, for revolutionary violence undertaken against what are perceived to be apostate regimes.

Writing before the Gulf War and the developments of the 1990s, Sonn seems confident that the mainstream of Islamic thought, represented most visibly in the pronouncements of al-Azhar, Islam's leading institution for religious education and research, will reassert its condemnation of unsanctioned political violence. In the wake of the assassination of Anwar Sadat, "the rector of al-Azhar, Shaykh Jadd al-Haqq, issued a detailed refutation of the assassins' self-justification . . . . In conclusion, Shaykh al-Haqq claimed that the assassins' 'Testament' cannot be considered a religious document."(CCS, 143) Sonn notes that Egypt's Muslim Brotherhood, in the course of its evolution over almost

a century,

> has become a part of the mainstream in Egypt. Its members act openly, leading the parliamentary opposition .... The groups that practice terrorism, on the other hand, have relatively low membership. Their motivations are respected, but their tactics are considered by many to be unacceptable. (CCS, 144-145)

This undoubtedly remains true, but what Sonn could not have foreseen was the persistence and further radicalism of an ever more virulent minority strain.

The materials collected in *Just War and Jihad* and *Cross, Crescent, and Sword* are brought together, along with his own research in primary and secondary sources, by John Kelsay. Kelsay's *Islam and War: A Study in Comparative Ethics*, takes as its point of departure the Gulf War of 1990-91 and argues that one of the problems in understanding the moral issues that war raised is that when compared to the large literature on the just war tradition in the European and American contexts, "there is no comparable body of work on non-European, non-North American traditions." (IAW, 2) Kelsay's volume, particularly when paired with the translations made available by Rudolph Peters in *Jihad in Classical and Modern Islam*,[3] makes a serious start on rectifying this for the Islamic tradition.

After setting the post-Gulf War stage, Kelsay begins with the "Islamic View of Peace," (IAW, 29-42) which allows him to explicate the Islamic community's traditional self-understanding as the agent of peace and justice in a wayward and dangerous world. The tradition "stresses, not the simple avoidance of strife, but the struggle for a just social order." (IAW, 30) Despite God's continuous work to provide guidance for humanity, in the form of the prophets, from Abraham through Moses and Jesus up to Muhammad, humanity remains stubborn and willful. As a result the human condition, far and wide, is one of perpetual strife. Kelsay insists that for the mainstream of the community, religion exercises a limiting function on political force. (IAW, 46) The only just war is *jihad* in the path of God; thus anything that does not measure up is illicit. Even if a war is morally tolerable, it must be prosecuted legitimately; thus Kelsay is at some pains to lay out the relations between Muslim thought and just war thought on *ius in bello*, or the just conduct of war. While early Muslim practice reflects, as does early Christian practice, the presuppositions of its time and place, there is a clear commitment to the distinction between

3. Rudolph Peters, *Jihad in Classical and Modern Islam: A Reader* (Markus Wiener 1996).

combatants, who can legitimately be the targets of war, and women, children and very old men, who cannot.

At the same time, contemporary movements like the PLO, faced with the gross disparity of power and weaponry between themselves and their opponents, insist that "to struggle . . . by whatever means one can muster, is just."(IAW, 70) This is so because the enemies of Islam have mounted what is, in effect, a global assault on the faithful. Defense of the Muslim community is not optional, it is obligatory. A willingness to relax the demands of justice in prosecuting the war (*ius in bello*) is also found in the "creed of Sadat's assassins," *The Neglected Duty (Al-Faridah al-Ghai'bah*). Kelsay's account of this document (IAW, 40, 99-110) is helpful not only because of the intrinsic interest of the text, but for the light it throws on the thinking of subsequent Egyptian and Saudi militants like Bin Laden and his cohort. It is a mistake to think of these people as *merely* terrorists (though terrorists they certainly are). The corruption of all too many of the erstwhile Islamic governments is seen as an assault on Islam itself. Rulers who fatten their own accounts at the expense of the poor and disenfranchised have neglected the fundamental Islamic commitment to social justice. That they have, from this perspective, been co-opted by the United States is all the worse. As Kelsay makes clear, many, even among moderates in the Islamic world, think that "[I]f Europeans and Americans will listen, they will understand that the concerns for justice, human rights, and self-determination that such groups reflect are legitimate, even if their methods are excessive." (IAW, 108)

In *The Holy War Idea in Western and Islamic Traditions*, Johnson is explicit in his desire to open up a dialogue between scholars in the western and the various Islamic traditions. He builds on his earlier work to provide a clear but nuanced introduction to the various forms of just war thought in the European and American traditions. At the same time he wants to look in depth at the notion of "holy war." But this is itself somewhat misleading, for one of the strengths of Johnson's volume is the critical light he casts on the very idea of a "holy war." The centerpiece of chapter two, "The Idea of Holy War," is an enumeration of "Ten Meanings Associated with Holy War" (HWI, 37-42) that should make any reader wonder whether the idea itself has any useful application. Holy war can be a war fought on God's command, or at the command of a recognized lieutenant, to defend religion against attack or to propagate religion among non-believers. But the fact of so many possibilities promotes a certain level of skepticism. For while nobody would deny the justice of a war directly commanded by God, the voices

of competing lieutenants have never been perceived as self-validating. The early and fundamental split between the Sunni and Shi'ite followers of Ali has always been a reminder of the limits of human leaders.

In chapter six, "Holy War and the Practice of Statecraft," (HWI, 129-168) Johnson makes an important contrast of the "Juristic Ideal" of *jihad* with both "defensive jihad," as understood by Saladin, and *ghaza*, the offensive "war for the faith" associated with the Ottoman empire. Here the tension between principle and practice comes out very nicely. The early caliphs, according to Johnson, tempered the juristic ideal with political and economic goals. (HWI, 147) In dealing with the Crusaders, Saladin did not attempt to extend the *dar al-islam*, but rather to restore Islamic lands captured in Christian offensives. The contrast is pointed up by the fact that " . . . Saladin's war in Palestine ended not with capitulation of the Crusaders but a treaty between the Muslim and Christian sides . . . ."(HWI, 150) The *ghaza* tradition, by contrast, is that of convert warriors inspired to sweep all before them in the cause of Islam. That this included, contrary to the juristic ideal, other Muslim states was a minor embarrassment to be rectified by identifying Ottoman hegemony with "the classical juristic conception of the *dar al-islam* and the caliphs' right to rule over it as heirs to the Prophet." (HWI, 154)

Rather than discovering a single Islamic idea of *jihad*—or even a single Islam—Johnson argues that the competing models of *jihad* offer the various, frequently uncertain, strands of contemporary Islam statecraft options for legitimation against "the perceived threat posed by the West." Rather than the inevitable conflict with a monolithic, anti-western Islam predicted by Samuel Huntington, Johnson discerns a complex and dynamic political culture no more impervious to transformation than its European and American counterparts. If this is so, then engaging all parties in nuanced and realistic dialogue is not only possible but politically obligatory. This argument serves to break down the monolithic vision of Huntington in favor of a tradition that is self-consciously aware of the depth of possibility in its own resources. Acknowledging the dynamic and multifaceted political culture of Islam is particularly important now, when the United States and its allies find themselves in a in conflict *not* with Islam in the abstract, but with a very particular faction within the Islamic political world.

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